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June 29, 2021

Via ECF

Honorable Eduardo C. Robreno
United States District Court
Eastern District of Pennsylvania
15614 U.S. Courthouse
Philadelphia, PA 19106
Courtroom 15-A

RE: *Brem Moldovsky, L.L.C. et al. v. Andrew Ellner et al.*, Case No. 2:21-cv-01365

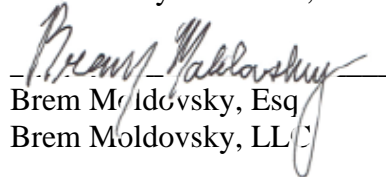
Dear Judge Robreno:

The undersigned represents Plaintiffs Brem Moldovsky, L.L.C. and Brem Moldovsky, Esq. in the above captioned matter. The Plaintiffs writes to move the Court for an Order striking the Motion to Dismiss in this action filed on Defendants' behalf late in the evening on June 28, 2021 pursuant to Federal Rule 12(a)(1)(A)(1) and Federal Rule 12(f)(2). Defendants' motion is untimely, having been filed at least seven days after Defendants defaulted by not responding to the Complaint within the 21 days allowed due to their own culpable conduct. The Motion is also redundant, immaterial, impertinent in that what it conveys should have been part of Plaintiff's motion for extension and to open the default that is pending.

Furthermore, Defendants have already mooted their motion by moving the Court for leave for an extension of to file an untimely response after the time to respond has expired and they are in default pursuant to Federal Rule 6 (b)(1)(B) (ECF Doc. # 14). The Plaintiffs have opposed that motion and requested that the default be upheld for all of the reasons stated in that Opposition (ECF Doc. #15). The Defendants' motion for an extension is *sub judice*, and should be ruled on before Defendants are allowed to file a response to the Complaint. As appropriate the Plaintiffs' current request to strike can be considered along with the aforementioned Opposition to the Defendants' motion for an extension of time and the Plaintiffs' request to uphold the default.

This office is available for any questions as appropriate and appreciates Your Honor's time and attention to this matter.

Respectfully submitted,


Brem Moldovsky, Esq
Brem Moldovsky, LLC

CC via ECF Counsel of Record